

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DYLAN COLE MARTIN,

Defendant.

CR 20-17-BU-DLC

CR 20-32-BU-DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendations in these matters on November 30, 2020. No party objects, and so the Court will review for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge DeSoto recommended this Court accept Dylan Cole Martin’s guilty pleas after Martin appeared before her pursuant to Federal Rule of Criminal Procedure 11. In case number CR-20-17-BU-DLC, Martin entered a guilty plea to one count of distribution of fentanyl in violation of 21 U.S.C. § 841(a)(1), as set forth in the Indictment. In case number CR-20-32-BU-DLC, Martin entered a plea

of guilty to one count of false statement during a firearms transaction in violation of 18 U.S.C. § 922(a)(6), which is the sole count of the Indictment.

The Court finds no clear error in Judge DeSoto's Findings and Recommendation, and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement in case number CR 20-17-BU-DLC until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. Accordingly,

IT IS ORDERED that the Findings and Recommendations is ADOPTED in full. Martin's motions to change plea are GRANTED and he is adjudged guilty as charged.

DATED this 16th day of December, 2020



Dana L. Christensen, District Judge
United States District Court

